

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

In the specification, paragraphs have been amended on pages 1-9. Claims 1 and 3-12 are currently being amended. Claim 2 is being canceled without prejudice or disclaimer. Claims 1 and 3-12 are pending, of which claims 3 and 11 are withdrawn from consideration.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

In the Office Action, the drawings were objected to based on MPEP § 608.02(e) because reference numerals 8, 10, 10A, 17, 17d are used to identify parts in the first embodiment and then used to identify modifications of such parts in the second embodiment. Applicant respectfully disagrees. The reference numerals 8, 10, 10A, 17, 17d of both embodiments refer to the same elements. For example, reference numeral 8 refers to a boot in both embodiments. Applicant submits that using the same reference numeral in different embodiments to refer to the same elements is completely proper. Indeed, Applicant stated on page 8, lines 21-25 of the specification that, “Since coupling 200 of this embodiment is similar to coupling 100 of the above-mentioned first embodiment, only parts or portions different from those of the first embodiment will be described in detail in the following, and such similar parts or portions are denoted by the same numerals.” Applicant therefore requests that the objection to the drawings be withdrawn.

The specification was objected to for failing to provide proper antecedent basis for claimed subject matter in claims 1 and 5. Claim 1 recites a “second end [of the boot] being formed into a cylindrical wall that is tightly disposed on a cylindrical portion of the second shaft and has an axially leading end....” Support for the “second end” can be found, for example, by the cylindrical wall 10 described on page 6, lines 27-33. Support for the “axially leading end” can be found for example, by the annular flat front end 10A described on page 6,

lines 30-31. Applicant thus submits that the specification provides proper antecedent basis for this recitation of claim 1.

Claim 5 recites that “the inside end surface of the boot cover is formed on a stepped portion defined between the cylindrical base portion and the cylindrical cover portion.” As shown, for example, in Fig. 1, a cylindrical base portion 17a and a cylindrical cover portion 17b form a stepped portion, i.e., the step formed in the transition between the cylindrical base portion 17a and the cylindrical cover portion 17b. Fig. 1 also shows that an inside end surface 17d is formed on this stepped portion. Applicant thus submits that the specification also provides proper antecedent basis for this recitation of claim 5. Applicant therefore requests that this objection be withdrawn.

The claims were objected to as being directed to a “uniform” coupling. By this Amendment, the claims and the specification have been amended as being directed more properly to a “universal” coupling. Accordingly, Applicant requests that this objection be withdrawn.

Claim 5 was objected to because the word “base” should be changed to “cover” to agree with the description on page 7, line 14 of the specification. Applicant has amended claim 5 as requested and thus requests that the objection be withdrawn.

Claims 1, 2, 5-6, and 8-10 were rejected under 35 U.S.C. § 102(b) as being anticipated by JP 61-117921. Claim 1 recites that universal coupling comprises, *inter alia*, a boot cover disposed on the cylindrical portion of the second shaft to cover the cylindrical wall leaving an annular space therebetween, the boot cover having an inside end surface that contacts the axially leading end of the cylindrical wall, and an air bleeding passage that communicates the inside of the boot with the outside of the same, the air bleeding passage including a first passage that is at least one groove formed in an inner surface of the cylindrical wall and a second passage that is defined between the axially leading end of the cylindrical wall and the inside end surface of the boot cover, wherein the second passage is provided by at least one of the axially leading end and the inside end surface.

JP '921 discloses a universal coupling including a boot 17 and a boot cover 24. A portion 19 of the boot 17 includes a thinned section of portion 19 to form a passage 23 between the portion 19 and a shaft 22 (see Figs. 1 and 2). In addition, a portion 24a of the boot cover 24 contacts an end of the portion 19 of the boot 17, as shown in Figs. 3A and 3B.

In contrast to claim 1, JP '921 fails to disclose or suggest a second passage that is defined between the axially leading end of the cylindrical wall and the inside end surface of the boot cover, wherein the second passage is provided by at least one of the axially leading end and the inside end surface. Rather, as shown in Figs. 3 and 4, the inside surface of the boot cover 24 at portion 24a contacts the end of the portion 19 of the boot 17, and thus there is no passage between them nor is there a passage provided by either of them. Given that the passage 23 between the portion 19 of the boot 17 and the shaft 22 is expressly shown in the drawings of JP '921, the absence in the drawings of a passage defined between the inside surface of the boot cover 24 at portion 24a and the end of the portion 19 of the boot 17a clearly indicates that such a passage is neither disclosed nor suggested by JP '921. The absence of such a passage is expressly noted as a problem in the design of JP '921, as described on page 2, lines 1-8 of the specification of the present application.

Accordingly, claim 1 is patentably distinguishable from JP '921. Claims 5-6 and 8-10 are also patentably distinguishable from JP '921 by virtue of their dependence from claim 1, as well as their additional recitations.

Claims 1, 2, 4, 8, 9, and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by Herbenar et al. (U.S. Patent No. 3,441,298). Herbenar discloses that a seal 20 seats against a spindle 11 and is surrounded by an annular securing ring 21. The ring 21 is scalloped to provide four downwardly projecting portions 21a with relieved portions 30, and the seal 20 is provided with four channels 31 aligned with the portions 30 such that radially outward movement of the lip 32 is permitted (col. 3, lines 21-33 and Fig. 3). As shown in Fig. 3, the radially outward deflection permits the passage of grease or the like from an interior area 33 within the confines of the seal 20 to the atmosphere outside of the joint via channels 31 (col. 3, lines 33-51).

Further, as shown in Fig. 3, the ring 21 where there is a relieved portion 30 is in contact with the seal 20 without any space between them. As shown in Fig. 2, the ring 21 is in contact with the seal 20 without any space between them from the flange 23 at the top of the ring to the lip 32 at the bottom of the seal. A space is formed between the ring 21 and the outside surface 25 of the ball joint housing portion 26, and an internally facing surface 22a of the ring 21 engages against the outside surface 25, as shown in Fig. 2.

In contrast to claim 1, Herbenar fails to disclose or suggest a boot cover disposed on the cylindrical portion of the second shaft to cover the cylindrical wall leaving an annular space therebetween, the boot cover having an inside end surface that contacts the axially leading end of the cylindrical wall. First, as shown in Figs. 2 and 3 of Herbenar, there is no space between the ring 21 and the seal 20, so there cannot be any annular space between them. Second, the inside surface of the ring 21 in Herbenar only contacts the outer surface of the seal 21 (see Figs. 2 and), but not the axially leading end of the seal 21 (i.e., the end of the lip 32).

Herbenar also fails to disclose or suggest a second passage that is defined between the axially leading end of the cylindrical wall and the inside end surface of the boot cover, wherein the second passage is provided by at least one of the axially leading end and the inside end surface. The only passage from the interior to the exterior in Herbenar is via the channels 31 and 31a defined between the seal 20 and the housing portion 26, as shown in Fig. 3. There is no channel defined between or provided by the inside surface of the ring 21 and the axially leading end of the seal 20.

Accordingly, for all of these reasons, claim 1 is patentably distinguishable from Herbenar. Claims 4, 8, and 9 are also patentably distinguishable from Herbenar by virtue of their dependence from claim 1, as well as their additional recitations. Claim 12 is patentably distinguishable from Herbenar for reasons analogous to claim 1.

Lastly, claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over JP '921. Claim 7, however, depends from claim 1. Since claim 1 is patentably distinguishable

from JP '921, claim 7 is also patentably distinguishable from JP '921 by virtue of its dependence from claim 1, as well as its additional recitations.

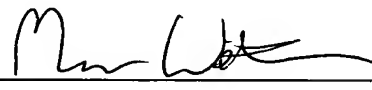
Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 11/16/05

By  Reg. No. 43,250

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 945-6162
Facsimile: (202) 672-5399

by Pavan K. Agarwal
Attorney for Applicant
Registration No. 40,888